

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CHARLES VINCENT ASHFORD,

Petitioner,

Case No. 3:23-cv-332

vs.

WARDEN, Warren Correctional  
Institution,

District Judge Michael J. Newman  
Magistrate Judge Chelsey M. Vascura

Respondent.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE (Doc. No. 4); (2) DISMISSING WITHOUT PREJUDICE THE  
PETITION FOR A WRIT OF HABEAS CORPUS (Doc. No. 1); (3) DENYING ANY  
REQUESTED CERTIFICATE OF APPEALABILITY AND CERTIFYING THAT AN  
APPEAL OF THIS ORDER WOULD BE OBJECTIVELY FRIVOLOUS; (4) AND  
TERMINATING THIS CASE ON THE DOCKET**

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The Court has reviewed the Report and Recommendation of Magistrate Judge Chelsey M. Vascura (Doc. No. 4), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Petitioner has not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, the Court determines that the Report and Recommendation should be **ADOPTED**. Accordingly, the petition is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. Petitioner is **DENIED** any requested certificate of appealability, and the Court hereby **CERTIFIES** to the United States Court of Appeals for the Sixth Circuit that an appeal of this Order would be objectively frivolous and, therefore, Petitioner should not be permitted to proceed *in forma pauperis*.

**IT IS SO ORDERED.**

April 1, 2024

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge